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REPORT

OF THE

PRESIDENT

OF THE

BOARD OF EDUCATION

ELMIRA, N. Y.

ON THE

Compulsory Education Act.

PUBLISHED BY ORDER OF THE BOARD.

ELMIRA, N. Y. :
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NOTE.

The following Report is published by order of the Board of Education of the city of Elmira, for distribution among those interested in the enforcement of the act to which it relates, and the friends of Education generally throughout the state, in the hope that it may draw out suggestions that will be useful, not only to the particular locality to which it refers, but in the state at large. The Board, therefore, earnestly solicit from all a free criticism of the Report and such hints and suggestions as its perusal may prompt. They also ask school authorities of other places to forward such regulations as they may have adopted for the enforcement of the act, and hope for a full and free interchange of views and general concert of action.

It is believed that a careful consideration of the subject of compulsory education will lead the people of our state to a radical change in educational policy, and that the present act which is likely to prove quite defective in practice, although worthy of mark as a pioneer in legislation, will soon be replaced by one more stringent and comprehensive.



REPORT.

Gentlemen of the Board of Education :

Pursuant to your resolution, adopted the 15th day of June last, requesting me to report and communicate to the Board, at as early a day as consistent, what preliminary steps, if any, should be taken for the successful introduction of the law relative to compulsory education, passed at the last session of the Legislature, as far as it applies to the children and youth of this city, and to make such suggestions in relation thereto as may be expedient, I beg leave to submit the following report :

The act of the Legislature referred to, commonly known as the "Compulsory Education Act," although an innovation in the legislation of this state, is not an untried experiment in the history of other countries, nor even a new thing in some of the states of our Union. Its subject matter, however, has not received the attention, nor has legislation relative thereto been carried to so great an extent here as in some European states, and notably in the German Empire.

An impression seems to prevail with some that the application of compulsion to education does not accord with the spirit of our free institutions. This I believe

to be an error. It should be remembered that liberty is not license; but rather that cheerful acquiescence in well devised laws securing to all the broadest freedom of action consistent with the greatest good to the greatest number in a community. To secure this end, it is indispensable to place certain restrictions upon the actions of men, lest the evil disposed, though few in number, should indulge their unrestricted passions to the detriment of the greater number of well minded persons. To keep these evil disposed under proper restraint gaols and prisons are constructed and maintained at public expense, that by their presence they shall awe to subjection, or by confinement keep from mischief, those who will not otherwise respect the rights of their fellow men. One of the principal arguments in favor of free schools is that by a general diffusion of knowledge and proper mental and moral training, men are taught so to respect the laws, as in great measure to render gaols and prisons unnecessary. If we have the right to imprison to punish or deter from crime, have we not quite as good a right to prevent its commission, so far as possible, by training rising generations to honest and industrious habits? If we may send vagrant, vicious and unruly boys to houses of refuge or correction, in order, if possible, to correct bad habits already formed, shall we not rather commence in earlier season and pluck the seeds of evil ere they have sprouted? No doubt most parents, left to themselves, will see that their children are educated to the extent their means afford. There are many, however, themselves ignorant, who would take no care for the training of their offspring, unless compelled so to do, and others still who would like to have their children

well educated, yet begrudge the loss of their services while at school. To these add the waifs and strays, the orphan children, and those worse than orphans,—born without a home, and we have, in every community a large number whom society, for its own protection, must take in hand, lest they grow up to curse and pester it. It is the glory of free schools that they call out and develop talent that otherwise, for lack of opportunity, must lie dormant. It should be our aim to manage our schools in such manner that this native talent in our community will be developed to the utmost.

In our own land, where all share in the government, there is the greater need that education should be made compulsory, to the end that intelligence shall be as universally diffused as possible, since the vote of the ignorant or vicious is as potent as the vote of the most cultivated or pure. In the recent rapid progress towards universal suffrage in European countries this fact is being widely recognized; in some by restricting the suffrage to those possessing a certain degree of knowledge, and in others by rigidly enforcing regulations compelling education. In nearly or quite all the states of Germany education has been obligatory for many years, and in some it is quite difficult to find a person above the school age who cannot read and write. The results of this training, so clearly and conspicuously manifested in the recent Franco-German war, have awakened in other nations a spirit of reform which is producing radical changes in former systems of education. Our own country, which has ever given to educational interests the foremost place, seems not unmindful of its duty in this respect, nor likely to be outdone by older nations. The law which is to go

into operation on the first of January next is a first step in the right direction in our own state, and imposes upon us the duty of providing for its enforcement within the territory entrusted to our charge. The Legislature having enacted the law, we would doubtless discharge our duty by simply providing for carrying it into effect, without note or comment, but I have deemed a brief statement of a few of the reasons for the enactment not out of place, in order that the thoughtful attention of our citizens may be called to the subject,—believing that careful reflection will lead to the conclusion, that we are called upon to enforce a law not unwise in principle, but justified by reasons of sound political economy. The theory by which taxes are levied for the support of free schools, is that society for the protection of person and property requires its members to be educated. If this be so, and the state has the right, for this purpose, to compel the payment of taxes to support free schools, it has an equal right to demand that all children by nature capable of doing so, shall attend these schools, and receive thereat such instruction as will secure the desired end. So far as this Board is concerned, we have no choice save to carry the act into effect. It devolves certain obligations upon us, failing to discharge which, we neglect our duty as public officers, and render ourselves amenable to the provisions of the revised statutes of our state, which make such neglect, if wilful, a misdemeanor. (2 R. S. part 4, chapter 1 title 6, sections 38 and 40.)

Firmly believing as I do, for the reasons already stated as well as many others, that compulsory education is right in principle, and that the present law should be

thoroughly enforced, and even made more comprehensive and stringent, I am equally firm in the opinion that, so far as possible, we should seek to attain the desired end without compulsion. This consideration should be kept in view in carrying the act into effect, and we should endeavor

First: So to conduct our schools generally as to attract attendance and render compulsion unnecessary save in few and isolated cases, and

Second: Where compulsion is required, to apply it with as little force as may be consistent with the attainment of the end in view, and to make its subjects feel their position, as far as possible, free from all sense of subjection or disgrace.

The first object will be attained by making school houses and grounds convenient, healthy and attractive, and by kind and parental treatment from teachers, thereby inducing in pupils a wholesome emulation and love for school and its studies, that will suffer no denial. To secure the second object the same attractiveness of buildings, grounds and teaching should be sought, and the regulations rendered necessary to secure compliance, while applied with firmness, should be tempered with all the mildness that will permit the desired end to be attained, and should always be kindly enforced.

The act of last winter provides that all parents, or those having the care of children between eight and fourteen years of age, shall cause them to be instructed in spelling, reading, writing, English grammar, geography and arithmetic, and for that purpose must cause them to attend some public or private school, at least fourteen weeks in a year, eight of which shall be consecu-

tive, or to be instructed at home for a like period in the above branches, unless the physical or mental condition of the child shall render such instruction inexpedient or impracticable. No child under fourteen years of age can be employed by any person to labor in any business whatever during school hours, unless such child has attended some public or private school, or been instructed at home in the branches specified above, fourteen weeks of the fifty-two next preceding in each and every year in which such child is so employed. Provision is made for inspecting all manufacturing establishments, in the months of February and September of each year, to examine into the condition of the children employed there. At the time of the employment of any child under fourteen years of age, such child shall produce and deliver to the employer a certificate signed by a teacher or trustee, showing a proper attendance at school; and a penalty of fifty dollars is affixed to each violation of the statute on the part of the employer. In case a child is temporarily discharged from any employment, by reason of not having attended school, it is the duty of the parents or person having control or charge of such child to see that it is properly instructed as required by law, unless prevented by physical or mental disability.

It is made the duty of the Board of Education to see that the provisions of this act are enforced in this city, and any person who shall violate such act shall, on written notice from the Board of such violation, forfeit for the first offence one dollar, and afterwards five dollars per week for not exceeding thirteen weeks in any one year, during which, after such notice, he shall fail to comply with any of the provisions of the act. The penalties

provided for in the act are to be added to the public school moneys of the city. Text books are to be furnished to pupils whose parents or guardians are unable to provide them. When parents or guardians are unable to induce a child to attend school, as required by the act, such child shall be considered an habitual truant, and dealt with accordingly.

The Board of Education are empowered to make, concerning habitual truants, and children between the ages of eight and fourteen found wandering around the streets and public places of the city during school hours, having no lawful occupation or business and growing up in ignorance, such rules and regulations as they shall deem most conducive to the welfare of such children, and may require the aid of the police to enforce such regulations. These rules and regulations are to be adopted by an affirmative vote of a majority of the Board, at a meeting called for the purpose on ten days notice in writing by the city Clerk, and are not to go into effect until approved in writing by a Justice of the Supreme Court in this Judicial District. Justices of the Peace and police justices have jurisdiction of all actions for penalties or fines incurred under the act, and all such actions are to be brought by the City Treasurer under the direction of the Board of Education. Two weeks' attendance at a half-time or evening school, are for the purposes of the act, to be counted as one week at a day school.

In connection with this act I would call attention to the act passed April 12, 1853, entitled "An Act to provide for the care and instruction of idle and truant children," the provisions of which will aid somewhat in ac-

completing the design of the act of last winter. Indeed, in some respects the act of 1853 is superior to that of last winter, and only needs that its enforcement should be placed under the charge and control of school authorities, entirely independent of overseers of the poor or other town or county officers, to render it a very efficient law.

In order to secure the thorough and efficient enforcement of the law it seems necessary that a complete record should be kept of all the children of school age within the city. Although the act only refers to children between the ages of eight and fourteen years, yet it will add little to the trouble or expense and be largely for the interests of our public schools to have this record extend to all between the school ages, *i. e.*: between five and twenty-one years of age. I recommend therefore that in taking the annual school census in October, the names and residences of parents, or persons having the care or custody of children be taken with the full names and ages of such children, and that the census of each commissioner district be taken separately; that after the census is completed the names be transferred by the Secretary of the Board to a register, to be kept at his office, wherein the names shall be entered alphabetically, each commissioner district separately under each letter; this register to be ruled so that the name of each child, the names of the parents or guardians and the age of the child can be entered; columns to be ruled one for each week of the ensuing school year, with a column at the extreme right wherein can be entered such remarks as may be necessary,—such as

that a child is physically or mentally disabled from attending school, has removed from the city, etc., etc. At the end of each month while the schools are in session, from the records of the schools both public and private, the attendance of all pupils for the preceding month shall be transferred to this register. This transfer to be done by inserting in the columns for each week the number of the school where the child has attended, or if a private school, some proper character to denote what one. When a child has only attended a portion of the week, in addition to the character showing the place of attendance shall be placed a fraction denoting the period of such attendance. A form for this register is herewith submitted. From it, if properly kept, can be seen at a glance what children are not attending school and their residence, and the Board will have little difficulty in ascertaining the cause of non-attendance. Such a register will also furnish accurate information of what our schools are accomplishing. As records are now kept the gross registered attendance for the year is largely in excess of what it should be. A pupil attending one school a portion of a term or year is returned among the registered pupils of that school, and if he goes to another school the remainder of that term or year he will be again returned as a registered pupil by the latter school. The proposed register will have his name entered but once, no matter how many schools he attends. The returns by ages for the past year show in some schools for certain ages more pupils in attendance than the census showed children of those ages within the district to which the school belongs. This can be accounted for partly by the presence of foreign pupils, but chiefly,

I imagine, by the attendance of pupils upon schools in different districts during the same year, either by permission to attend out of their own districts, or by moving during the year from one district to another.

With a view to carrying into effect the above recommendations I propose the following amendments to the By-Laws, Rules and Regulations, viz:

First: Amend chapter one, article twelve, so as to read as follows:

CENSUS AND RECORD OF SCHOOL CHILDREN.

SECTION 1. The census of the school district of the city of Elmira shall be taken annually between the first and tenth days of October, each commissioner district by itself, and the full name, age and residence of each child between the ages of five and twenty-one years shall be taken, together with the names and residences of the parents or guardians of each child. The ages taken shall be those of the last birthdays respectively previous to the first day of the month in which the census is taken.

§ 2. The Secretary shall keep an annual record in a book to be called the "General School Register" of all the school children in the city with their respective ages and attendance at schools either public or private. Immediately upon the completion of the census in each year, he shall transfer from the census returns to the General School Register of that year in alphabetical order, the names of all the children of school age returned in the census, with their ages, places of residence, and names of parents or guardians, and under each letter the names from the several commissioner districts shall be arranged in their order. At the end of each month he shall transfer from the records of the public or private schools of the city, opposite their respective names, the weekly attendance upon the schools of all the children in the city who in the past month have attended school.

§ 3. It shall be the duty of the Secretary, once in each month, to call upon the parents or guardians of all children who do not appear by the record to have attended school the previous month, to ascertain the reason of such non-attendance and enter such reason in a column in such register to be headed "remarks." And when it shall appear that any child between the ages of eight and fourteen

years has, without a valid excuse, failed to attend school as required by the laws of the state, it shall be the duty of the Secretary to see that proper legal steps are at once taken against the parents or guardians of such child, as provided by statute.

Second: Amend chapter two, article one, section eleven by adding to the first clause thereof as follows:

“And they shall keep a record upon the blanks to be furnished by the Board, of the daily attendance of pupils of all grades, the names to be arranged therein as nearly as convenient, in alphabetical order.”

And by making the last clause of said section read as follows:

“These records shall always be open to the inspection of the Board or any member thereof.”

In seeking how best to enforce this act, I encounter at the outset many difficulties arising from our lack of a superintendent of public schools. Indeed I hardly see how it will be possible to carry the act into effective operation without such an officer. A brief consideration of what is required will, I think, convince all of this necessity. I trust measures will at once be taken to secure a proper superintendent at an early day. When one is obtained, he should perform the duties which in this report it is proposed to devolve upon the Secretary of the Board.

There appear to be some defects likely to be developed in the practical working of that portion of the act relating to children employed in manufacturing establishments, which no doubt will be remedied as soon as brought to the attention of the Legislature. No provision is made for children living in one school district and laboring in a factory in another, and some difficulty

will very likely be experienced in enforcing the act in such cases. For the purposes of this act, however, the whole city is one school district, and perhaps little trouble will arise here from this cause. By a literal interpretation of section two, a child having attended school fourteen weeks of one year might work in a manufactory every week of the succeeding year. Little practical difficulty, however, is likely to arise from this, since a child thus working the whole of one year would be entirely debarred from such labor the next year. Moreover his parents or guardians would, during the year of work, be liable to the penalties of the act for not sending the child to school. Perhaps the seeming obscurity of this section of the act is more in the language than the intent, which evidently is that no child under fourteen years of age shall be employed in any factory more than thirty-eight weeks consecutively, and not then unless within the fifty-two weeks last passed, he shall have attended school fourteen weeks, eight consecutively, and at the time of his employment shall deliver to his employer such certificates as the trustees or Board of Education might prescribe showing such attendance.

For the purpose of carrying into effect the general provisions of this act I recommend the addition of a new chapter to the By-Laws, Rules and Regulations of the Board, to be called "chapter three," and entitled "Compulsory Education Act," in which chapter shall be incorporated all such rules and regulations adopted by the Board, pursuant to the requirements of the act, as will not be more properly classified under existing chapters.

With reference to the requirements of sections two,

three and four of the act, I submit the following rules and regulations to constitute article one of such chapter three, viz :

ARTICLE I.

EMPLOYMENT OF CHILDREN UNDER FOURTEEN YEARS OLD.

SECTION 1. The certificate required by Section 2 of Chapter 421 of the laws of 1874, to be given to any child under fourteen years of age, desiring employment, shall be given only by the Secretary of the Board, and shall never be given unless the record of such child in the General School Register shall show an attendance at school or private instruction authorizing the giving of such certificate. Such certificate shall be signed by the President and Secretary, and at the time of giving the same the Secretary shall make a note thereof on the General School Register in the column headed "remarks."

§ 2. The examinations to be made in the months of February and September, pursuant to Section 3 of Chapter 421 of the laws of 1874, shall be made in each commissioner district by the commissioner of that district, and he shall at the time of such examination be accompanied by the Secretary, who shall note the result of such examination upon blank forms to be prepared by him, wherein shall be entered the names, sexes, ages, times of employment, dates and numbers of certificates produced by the employer showing the children employed by him legally entitled to such employment. A separate return shall be made for each manufacturing establishment examined, which shall be dated and certified to as correct by the superintendent of such establishment. No notice of such examination shall in any case be given beforehand, and the respective commissioners and the Secretary shall personally visit every minor present in each establishment at the time of such examination for the purpose of verifying the statements made by the superintendent. As soon as each examination of the whole city district is completed the Secretary shall from the returns thereof enter a brief memorandum in the General School Register, in the column headed "remarks" opposite each name in such returns, stating the month of the examination and name of employer.

This article, together with the sections of the act to which it refers, should be printed and copies furnished to each manufacturing establishment in the city.

Considerable difficulty may be experienced, at least with persons disposed to evade the law, respecting those educated or claiming to be educated at home, in determining whether they are properly so educated. I hardly think the act confers sufficient power upon the Board to enforce regulations relating to such children, and we must rely largely upon the willingness of parents and guardians to render a voluntary acquiescence in such measures as we determine to take.

The same remark holds true in great measure with reference to pupils attending private schools, and those prevented by reason of physical or mental inability from attending school or receiving instruction at home. It is to be hoped, however, that parties interested will render a ready and hearty co-operation with the Board in its efforts to accomplish the end sought by the Legislature, as expressed in the title of the act—"to secure to children the benefits of elementary education."

With reference to children educated at home, or at private schools, or physically or mentally incapacitated from receiving instruction, I submit rules and regulations to compose article two of the proposed chapter three of By-Laws, Rules and Regulations of the Board, as follows:

ARTICLE II.

PRIVATE INSTRUCTION, ETC.

SECTION 1. Parents and guardians, or private tutors of children between the ages of eight and fourteen years taught at home, are requested to furnish to the Board of Education, whenever required, a written certificate or statement stating by whom such children are taught and in what branches, and for what periods of time, and the Secretary shall see that such certificate or statement is furnished at least once in each school term.

§ 2. Blank roll books, similar to those used in the public schools, shall be furnished to the principals or teachers of private schools, wherein such principals or teachers are requested to keep records similar to those kept in the public schools, from which the Secretary can transfer a record of attendance to the General School Register. Such record, however, shall only contain the names of children within the school age, permanently residing within the city of Elmira.

§ 3. Whenever the physical or mental condition of any child between eight and fourteen years of age, is such as to render attendance upon school or instruction inexpedient or impracticable, a certificate of such condition by some reputable physician, approved by the Sanitary Superintendent, shall be furnished by the parents or guardians of such child to the Secretary, and placed on file, and a minute thereof entered upon the General School Register.

The portion of the act requiring most careful consideration and the most difficult to properly enforce is that very important feature of it relating to truant and vagrant children. For such it will in the first place be necessary to provide a suitable place for discipline and instruction, and confinement when necessary. I recommend that the old school house and lot in District No. Four be fitted up and devoted to this purpose as soon as the completion of the new building in that district will permit. In the meantime a temporary place should be secured for the coming winter and spring terms.

In preparing a building permanently for this purpose, the health of those who are to occupy it should receive the highest consideration, and due attention must be given to warming, ventilating and lighting. The grounds should be neatly laid out and kept. Nearly or quite all the labor of keeping the grounds and buildings in order can be performed by the children compelled to attend

there. A proper place should be prepared apart for those needing confinement, and for these latter and all dwelling within the premises, suitable employment should be furnished when not engaged in study. It must be remembered that the law contemplates keeping habitual truants and vagrants at school for the full year and not for fourteen weeks only. A residence should be prepared within the grounds, wherein a suitable keeper can reside who shall have charge of the premises and the children sent there. No child ought, however, under any circumstances, to be sent to this institution as a punishment for any crime or offence other than simple truancy or vagrancy. The example of the criminally vicious must be kept as far removed from the un-contaminated child as possible; *for these the work house and houses of correction should still be maintained.* No child should be kept in this truant or vagrant school, in confinement or otherwise, who can and will attend any of the regular schools and conduct himself properly while there. Provision might be made for sending to this place those who will not otherwise conduct themselves properly at the regular schools. This, however, will probably require further legislation, and to that end I think it would be well to seek the attention of the Legislature at an early day.

Many of the class contemplated in this act are now cared for in our city at the Orphans' Home—an institution that has well deserved and received liberal patronage from our citizens. For a number of years past the Board of Education have provided a teacher for this institution. This arrangement should be made permanent and encouragement given to send to this Home in preference

to the truant and reform school, all that its managers are willing to admit.

It is to be hoped such an attendance will soon be developed at the regular schools that there will be little use of this contemplated school, and in that event there will be ample room in the building for keeping a night school—an institution evidently contemplated by the act, the attendance upon which would greatly relieve the other schools. The location is as favorable for all these purposes as any in the city.

I submit rules and regulations for carrying into effect this portion of the act, to constitute article three of the proposed chapter three, as follows:

ARTICLE III.

TRUANTS AND VAGRANTS.

SECTION 1. The buildings and grounds on Lake street hitherto occupied by School No. 4, shall, after the close of the present school year, be converted into a place for the discipline and instruction and confinement, when necessary, of habitual truants and other children embraced within, and contemplated by the provisions of Section 8 of Chapter 421 of the laws of 1874, and shall be called the "Elmira Truant Reform School." Such building and grounds shall be so arranged and appointed, and shall have such changes and additions made thereto, as will provide suitable and convenient accommodations for those who may be sent or lodged there, with proper places separate and apart for the confinement of those who cannot otherwise be made to comply with the provisions of said act, or conform to and obey the rules and regulations of said school. There shall also be provided proper arrangements and conveniences for training to some industrial pursuit or employment such children as may be lodged or confined in said school; a suitable dwelling place within the premises for the principal having charge of said school, and all other matters or things needful for the thorough enforcement of the provisions of said act.

Provision shall also be made within said premises for a night

school, wherein shall be given instruction in the elementary branches and such technical education as the Board of Education may from time to time deem proper to establish.

§ 2. It shall be the duty of any police officer of the city who shall, within the school hours of any school day, or day when the schools are in session, find any child between the ages of eight and fourteen years, loitering or idling about the public streets or places of the city, or within any hotel, billiard or other saloon, bowling alley, or any place of amusement or recreation, unattended by any suitable person, immediately to arrest such child and take him or her forthwith before the Recorder, or person acting as such, for examination.

The Board of Education may, if it is deemed advisable, from time to time appoint special officers, whose special duty it shall be, under the direction of the Board, to perform the duties herein devolved upon the regular police officers of the city, who shall perform such duties in the manner above described, and shall receive such compensation as the Board of Education shall establish.

§ 3. Whenever any person shall make complaint on oath that any child between the ages of eight and fourteen years is in the habit of loitering or idling about the public streets or places of the city during school hours of any school day, or day when the public schools are in session, it shall be the duty of the Recorder to issue a warrant directing any police officer of the city to arrest such child and bring him or her forthwith before him.

§ 4. Whenever any person shall make the statement in relation to any child under his control specified in the seventh section of said act, it shall be the duty of the Secretary of the Board of Education to present such statement to the Recorder, who shall thereupon issue a warrant directing the arrest of such child, which warrant shall be in the form and executed in the manner prescribed in the preceding section.

§ 5. Whenever any child shall be brought before the Recorder, pursuant to the provisions of the preceding sections, it shall be his duty to cause reasonable notice to be given to the parents or guardians or persons having control of such child, if any can be found, to appear and attend such examination. Before proceeding with such examination the Recorder shall cause notice thereof to be given to the Secretary, or, in his absence, some member of the Board of Education, who shall take charge of such examination on behalf of said

Board. If the parents, guardians or persons having charge or control of such child so desire, such examination shall be held in private, and the Recorder shall have the same power to issue subpoenas and compel the attendance of witnesses thereat as in other cases, and may, in his discretion, pending such examination and his decision thereon, commit such child for safe keeping to the Elmira Truant Reform School.

§ 6. If, upon such examination, the Recorder shall be satisfied that any child is an habitual truant, or an idler, or vagrant, within the meaning and intent of Chapter 421 of the laws of 1874, he shall require the parents, guardians or persons having control of such child to enter into a bond executed to the Board of Education of the city of Elmira, in such amount, and with such sureties, as said Recorder may deem necessary, conditioned that such child shall be kept out of the streets and public places of the city and in regular attendance upon school for the period of time specified in said act. In case such parents, guardians or persons having control of such child refuse, or are unable to give such security, or in case such child has before been brought before the Recorder and been discharged upon giving the security above specified, such Recorder shall issue a commitment sending such child to the Elmira Truant Reform School until such child shall arrive at the age of fourteen years, and unless prevented by physical or mental disability, or discharged by the Board of Education, as hereinafter provided, such child shall thereafter until arriving at the age of fourteen years regularly attend the school exercises of such Truant Reform School during all the regular terms or school days of the public schools of the city.

§ 7. The Board of Education shall appoint a suitable person who shall be called the principal of the Elmira Truant Reform School and shall receive such compensation as the Board of Education shall, from time to time, fix. Such principal, under the direction of the Board of Education, shall have the charge and management of said Truant Reform School, and shall have such assistants as said Board may designate and appoint.

In the management of said school the kindest treatment shall be exercised consistent with thorough discipline; no child shall be subjected to confinement longer than may be necessary to secure proper acquiescence in the rules and regulations of the school; pupils having homes in the city may, in the discretion of the Board of Education, be excused from remaining at said school except during the

regular school hours, *provided*, and so long as they are regular in attendance and faithful in performance of school duty and are properly cared for when out of school.

Whenever any child, by continued good behavior and satisfactory progress in study, shall give promise that he will faithfully attend the regular public schools of the city and maintain proper standing thereat, and the principal of said Truant Reform School shall so certify, the Board of Education may permit such child to leave said Truant Reform School and attend the regular public schools of the city; and such permission may be absolute, or conditioned to continue only so long as such child shall properly attend and behave at such public school.

So far as practicable the labor required about the premises of said Truant Reform School shall be performed by the children confined or attending there. Suitable provision shall be made for the religious instruction of children confined or lodging in said school. Where the parents or guardians of any child, or such child, so desires, such instruction may be given by some teacher of such religious denomination as said parents, guardians or child may select, but without charge to the Board of Education. Where no such preference is expressed, the religious instruction shall be given by teachers selected by the Board of Education, and shall be unsectarian in character.

§ 8. The expense of board, clothing and necessary text books for any child attending said Truant Reform School shall be borne by the parents, guardians or persons having control of such child if pecuniarily able to bear the same. Bills for such expenses shall be sent monthly to such parent or guardian or person having control of such child who shall pay the same to the City Treasurer, taking his receipt therefor. If such bills are not paid the City Treasurer shall when directed by the Board of Education bring actions to recover the same in the manner prescribed for collecting penalties in Chapter 421 of the laws of 1874. The price for board at said school shall be fixed from time to time by the Board of Education, and said Board may in any case, diminish such price of board, or any of the expenses of attending such school, or entirely remit the same, when satisfied that the parents, or guardians, or other persons liable to pay the same are pecuniarily unable to pay the full amount thereof.

§ 9. The Board of Education shall employ, at such compensation as it may from time to time fix, a suitable teacher or teachers for the "Southern Tier Orphans' Home" whenever and so long as the man-

agers of said Home will permit a school to be kept thereat, for the children under their charge, and place such school under the control and subject to the rules and regulations of the Board of Education.

These rules and regulations after having been duly considered, perfected and adopted by you as provided by the law, are to be submitted to some Justice of the Supreme Court in this judicial district for his approval.

Accompanying this report I submit for your consideration blank forms to be used in carrying out the recommendations herein made.

I further recommend that this report, with the accompanying rules and regulations, after consideration and revision by the Board and before final adoption, be printed in suitable form, and that copies be sent to the State Superintendent of Public Instruction, to the Regents of the University, to the superintendents of schools in the principal cities of the state, and others interested in the cause of education, with a request for their co-operation, aid and advice, to the end that throughout the state uniformity and concert of action may be secured in carrying into effect the salutary provisions of this law.

As before intimated I think the act in its practical working will prove defective in several particulars, but as these defects become manifest they will no doubt be cured by such further legislation as may from time to time be deemed expedient. That imperfections should exist in the inauguration of so radical an innovation is to be expected, nor can we wonder that the Legislature in its first steps should move with caution. Much has been accomplished in making a beginning,

and as in other countries experience has shown that laws for compulsory education soon become popular and enforce themselves, so I venture the prediction, it will be found in this state that the scheme will soon meet with such general favor that the Legislature will be called upon with general unanimity to so amend and perfect the act as to add still further to its scope and efficiency by making needed provisions concerning pupils attending private schools or instructed at home, and enlarging the powers of local school managers so that they may make proper rules and regulations respecting attendance and behavior of children at school, and do all other acts that may be needful to "secure to children the benefits of elementary education." At present our powers are, in great measure, restricted to making rules and regulations needed to enforce that portion of the act relating to truants and vagrants, and as regards those, I think the provisions of the act might well be greatly extended. The English Industrial Schools Act (24 and 25 Vict. Chap. 113) with a somewhat similar object in view, provides for the following classes of children:

"1. Any child apparently under the age of fourteen years found begging, receiving alms, or being in any street or public place for the purpose of begging or receiving alms.

"2. Any child apparently under the age of fourteen years that is found wandering, and not having any home or settled place of abode, or any visible means of subsistence, or frequents the company of reputed thieves.

"3. Any child apparently under the age of twelve years who, having committed an offense punishable by imprisonment or some less punishment, ought nevertheless, in the opinion of the Justices, regard being had to his age and to the circumstances of the case, to be sent to an Industrial School.

“4. Any child under the age of fourteen years whose parent represents that he is unable to control him, and that he desires such child to be sent to an Industrial School, in pursuance of this act, and who at the same time gives such undertaking or other security as may be approved by the Justices before whom he is brought, in pursuance of this act, to pay all expenses incurred for the maintenance of such child at school.

“*Provided*, That no child who, on being brought before the Justices, is proved to have been previously convicted of felony, shall be deemed to be within the provisions of this act.”

This act, it will be observed, differs from the law of our state in comprehending all children under fourteen years of age, except the single instance of children convicted of an offence, when the extreme limit is twelve years, instead of being confined to those between eight and fourteen years of age; also in not limiting the time of arresting vagrants found in public places to school hours and days, and is otherwise more comprehensive. I doubt not our legislators will in a short time deem it wise to adopt a policy equally as broad as that pursued in the English act. So far as the general welfare and educational interests of our own city are concerned, I suggest the query whether it would not be advisable to have the “act in relation to common schools in the city of Elmira” thoroughly revised with a view of at once carrying to the utmost practical extent here a system of compulsory education — unless, indeed, early general legislation should render such special legislation unnecessary. While the Legislature might hesitate to pass sweeping general enactments, it may be well pleased to have an experiment fully tried in a special locality, and it would redound not a little to our credit if, by making this trial, ours should become the first city in the state having

absolutely no idle nor vagrant children in its streets,—no children, capable of learning, growing up in ignorance.

Some of the particulars which I think will need legislative action to secure the desired end are provisions for procedure in case of escape of children confined in the Truant Reform School; for punishment of persons aiding children to escape, or harboring them afterwards; for determining whether parents or guardians are able to pay the charges of a child attending the Truant Reform School, and enforcing the collection of such charges; for making necessary regulations to ensure the taking of an accurate census of school children each year; for inspection of private schools and home instruction; for removing to the Truant Reform School children irregular in attendance, without sufficient excuse, at the regular schools, or who cannot be made to conduct themselves properly while there; for making more definite the time during which children required to do so shall attend school, with reference to the time when penalties for non-attendance shall become due and be collectible. Perhaps the present act confers sufficient authority upon school boards to provide for many of these things, but no harm can be done by making provisions more definite and certain, and that cannot be questioned.

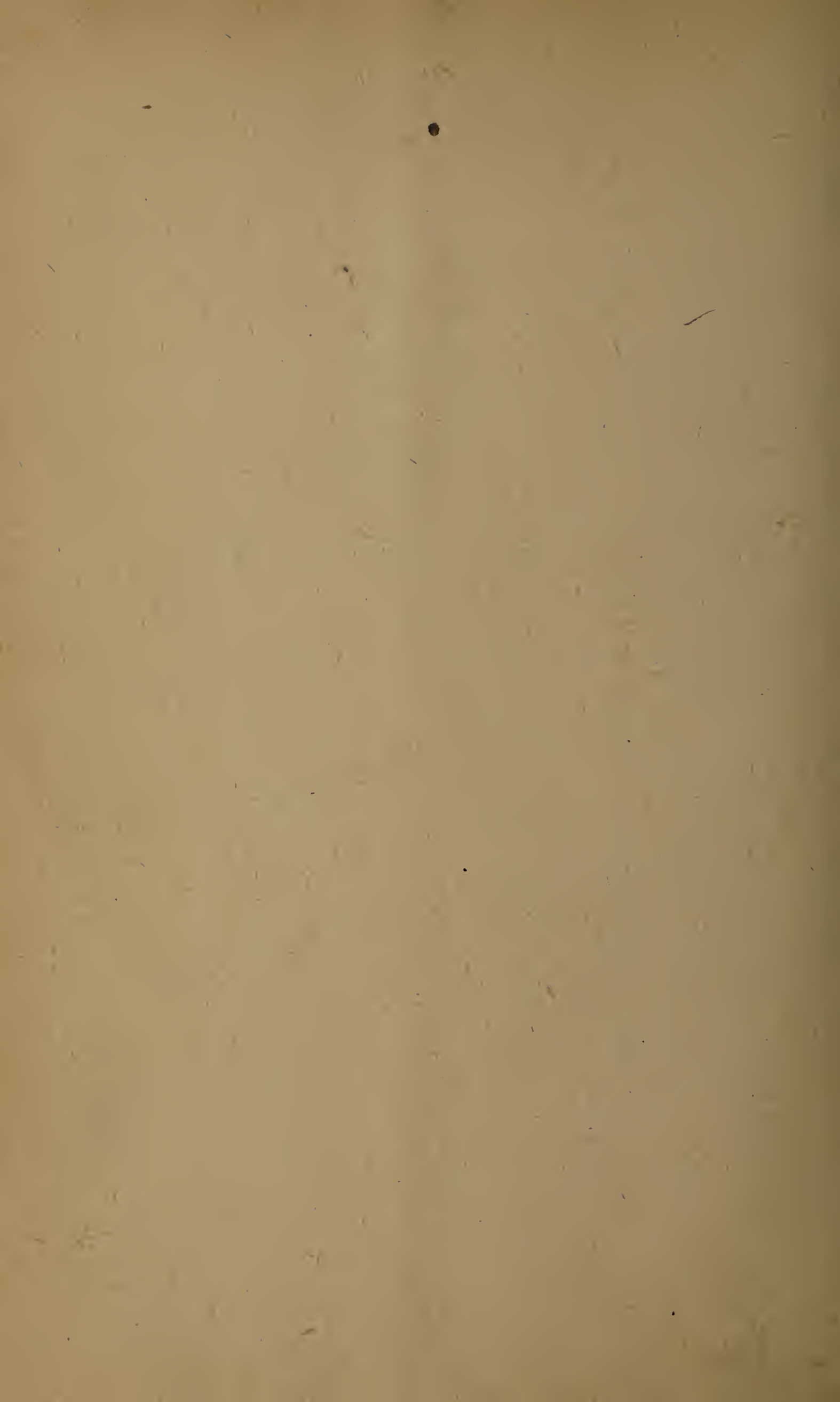
An apology is due you for the long delay in preparing this report, and for its many shortcomings and imperfections, of which none can be more conscious than myself. The condition of my health and attention required by private affairs have been in great measure the cause of the delay and incompleteness. What I have prepared I submit with all its defects for your considera-

tion in the hope that it may lead to something more perfect and satisfactory.

All of which is respectfully submitted.

Dated October 19, 1874.

G. M. DIVEN,
President.



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